IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL (ST) NO.10170 OF 2007
IN
L.C.SUIT NO. 1555 OF 2000

Tushar Chhotelal Joshi ...Appellant
Vs.
Mumbai Metorplitan Region Development Authority & Anr. ...Respondents

Mr.N.V.Walawalkar Advocate with Mr. Yadhunath Chaudhari Advocate for Appellant
Mr. K.S. Patil, Advocate for Respondent No.1.

CORAM: SMT.ROSHAN DALVI,J.
DATED: 11TH JUNE, 2007

P.C.

1. The notice which has been issued upon the Appellant dated 1st April, 2006 is for **"**open or enclosed land (not occupied by a building)**".** The Counsel on behalf of the Respondent No.1 states that the notice challenged by the Appellant is not in respect of the building put up by the Appellant in which the Appellant runs business in the name of "Aditi International Mamta Hotel". The Respondents therefore, shall not demolish any part of the building of the Appellant's hotel pursuant to the notice dated 1st April,

2006.

2. In view thereof, there is no lis between the parties. The Appeal is disposed off with the direction that the Respondents shall not demolish any part of the building of the Appellant being the building where the Appellant carries on the hotel business in the name of Aditi International Mamta Hotel.

3. One photograph produced by the Appellant showing the Appellant's building, newly constructed, is taken on record.

(SMT. ROSHAN DALVI, J.)